

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail****Mail Stop ISSUE FEE****Commissioner for Patents****P.O. Box 1450****Alexandria, Virginia 22313-1450**or **Fax** **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590

09/19/2007

Barnes & Thornburg
600 One Summit Square
Fort Wayne, IN 46802

12/14/2007 EAYALEWZ 00000025 10656699

01 FC:2501

720.00 DP

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Rhonda Bailey-Reed	(Depositor's name)
<i>Rhonda Bailey-Reed</i>	(Signature)
12/10/07	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,699	09/04/2003	Loren R. Graber	20794-82667	8589

TITLE OF INVENTION: LANDSCAPING CHANNEL LINER APPARATUS

Adjustment date: 12/14/2007 EAYALEWZ
10/29/2007 FMETEK12 00000100 10656699
02 FC:1506 -700.00 DP

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700 720	\$300	\$0	\$1000	12/19/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
SPAHN, GAY	3635	405-118000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Barnes & Thornburg LLP**

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Digger Specialties, Inc.**Bremen, Indiana**Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Gregory S. Cooper

Date

12/10/07

Typed or printed name

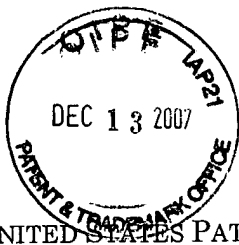
Gregory S. Cooper

Registration No.

40,965

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARNES & THORNBURG
600 ONE SUMMIT SQUARE
FORT WAYNE, IN 46802

Mail Date: 11/8/07
Application Number: 10/656699

NOTICE TO PAY BALANCE OF ISSUE FEE

The issue fee payment filed on 10/29/07 has been received. Although the fee paid in the Notice of Allowance was paid, new patent fees went into effect on September 30, 2007 after the mailing date of the Notice. See the Sections 801 and 803 of the Consolidated Appropriations Act, 2005 (H.R. 4818). As stated in Section 803 of the Act, "the provisions of this title shall take effect on the date of enactment of this Act. . . the provisions of section 801 shall apply to all patents, whenever granted, and to all patent applications pending on or filed after the effective date [September 30, 2007]. Because the issue fee was paid on or after September 30, 2007, the new issue fee was due instead of the amount specified in the Notice of Allowance.¹

In accordance with 37 CFR 1.18, applicant is given a time period of **THREE (3) MONTHS** from the mailing date of this notice during which to pay the **BALANCE DUE** indicated below. The balance due is the difference between the issue fee required on the date that the correct issue fee is paid and the amount that was previously paid. This three-month time period may not be extended. If the balance due is not paid before the expiration of the three-month period, the application will become abandoned (if not issued) or the patent will lapse (if issued) at the termination of the three-month period.

App. Type	Column A	Column B	Balance Due. Col. A minus Col. B
	Issue Fee Req. large entity / small entity	Issue Fee PAID	
UTILITY or REISSUE	\$1,440.00 / \$720.00	\$ 700.00	\$ 20.00
DESIGN	\$820.00 / \$410.00	\$	\$
PLANT	\$1,130.00 / \$565.00	\$	\$

Krystal Paige

Office: 703-308-9250
Fax: 571-270-9937

A copy of this notice MUST be returned with payment.

CERTIFICATE OF MAILING

I hereby certify that this notice and the required additional fee are being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Printed Name: Gregory S. Cooper

Signature:

Registration Number, if any 40,965

Date: 12/18/07

¹ Applicants should check the current fee schedule posted on the USPTO Internet web site at:
<http://www.uspto.gov/main/howtofees.htm> before paying the balance due in order to ensure that the correct issue fee is paid.



BARNES & THORNBURG LLP

600 One Summit Square
Fort Wayne, Indiana 46802
(260) 423-9440

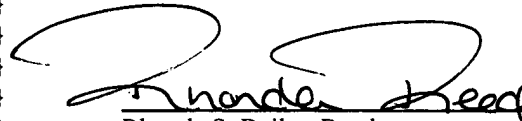
**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 23641
Application No.: 10/656699
Confirmation No.: 8589
Filing Date: September 4, 2003
Group Art Unit: 3635
Examiner Name: Gay Spahn
Attorney Docket No.: 20794/82667
First Named Inventor: Graber, Loren R
Title: LANDSCAPING CHANNEL LINER APPARATUS

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on December 10, 2007


Rhonda S. Bailey-Reed

FEE TRANSMITTAL FOR FY 2007

TOTAL AMOUNT OF PAYMENT: \$20.00

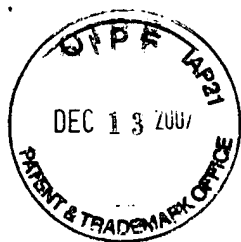
METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 CFR 1.16 and 1.17 and credit any overpayments to:

Deposit Account Number: 02-1010 (20794/82667)
Deposit Account Name: Barnes & Thornburg LLP

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ **Check** ☐ Credit Card ☐ Money Order ☐ Other ☐ None



FEE CALCULATION

1. Basic Filing Fee:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1011	\$310.00	2011	\$155.00	Utility Filing Fee	
1012	\$210.00	2012	\$105.00	Design Filing Fee	
1017	\$210.00	2017	\$105.00	Design Filing Fee (CPA)	
1013	\$210.00	2013	\$105.00	Plant Filing Fee	
1014	\$310.00	2014	\$155.00	Reissue Filing Fee	
1005	\$210.00	2005	\$105.00	Provisional Filing Fee	
				SUBTOTAL (1)	0.00

2. Patent Search Fees:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1111	\$510.00	2111	\$255.00	Utility Fee	
1112	\$100.00	2112	\$50.00	Design Fee	
1113	\$310.00	2113	\$155.00	Plant Fee	
1114	\$510.00	2114	\$255.00	Reissue Fee	
				SUBTOTAL (2)	0.00

3. Patent Examination Fees:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1311	\$210.00	2311	\$105.00	Utility Examination Fee	
1312	\$130.00	2312	\$65.00	Design Examination Fee	
1313	\$160.00	2313	\$80.00	Plant Examination Fee	
1314	\$620.00	2314	\$310.00	Reissue Examination Fee	
				SUBTOTAL (3)	0.00

4. Extra Claim Fees:

			Extra Claims	Fee from Below	Fee Paid
Total Claims		-20**=	x	=	0.00
Independent Claims		- 3**=	x	=	0.00
Multiple Dependent Claim				=	0.00
				SUBTOTAL (4)	0.00

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description
1202	\$50.00	2202	\$25.00	Claims in excess of 20
1201	\$210.00	2201	\$105.00	Independent claims in excess of 3
1203	\$370.00	2203	\$185.00	Multiple dependent claims, if not paid

1204	\$210.00	2204	\$105.00	** Reissue independent claims over original patent
1205	\$50.00	2205	\$25	** Reissue claims in excess of 20 and over original patent

** or number previously paid, if greater; For Reissues, see above. For multiple dependent claims, pay fee only once no matter how many multiple dependent claims you have.

5. Application Size Fee

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250.00 (\$125.00 for small entity) for each additional 50 sheets or fraction thereof.

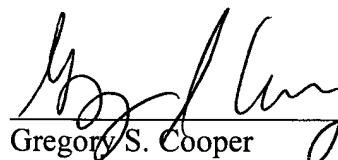
	Extra Sheets	Number of each additional 50 (Round up to whole number)	Fee from Below	Fee Paid
Total Sheets	<u> </u> - 100 = <u> </u>	<u> </u> / 50 = <u> </u>	<u> </u>	
			SUBTOTAL (5)	0.00

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description
1081	\$260.00	2081	\$130.00	Sheets in excess of 100

6. Additional Fees:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1051	\$130.00	2051	\$65.00	Surcharge - late filing fee or oath	
1052	\$50.00	2052	\$25.00	Surcharge - late provisional filing fee or cover sheet	
1053	\$130.00	1053	\$130.00	Non-English specification	
1812	\$2,520.00	1812	\$2,520.00	For filing a request for ex parte reexamination	
1804	\$920.00*	1804	\$920.00*	Requesting publication of SIR prior to Examiner action	
1805	\$1,840.00*	1805	\$1,840.00*	Requesting publication of SIR after to Examiner action	
1251	\$120.00	2251	\$60.00	Extension for reply within first month	
1252	\$460.00	2252	\$230.00	Extension for reply within second month	
1253	\$1,050.00	2253	\$525.00	Extension for reply within third month	
1254	\$1,640.00	2254	\$820.00	Extension for reply within fourth month	
1255	\$2,230.00	2255	\$1,115.00	Extension for reply within fifth month	
1401	\$510.00	2401	\$255.00	Notice of Appeal	
1402	\$510.00	2402	\$255.00	Filing a brief in support of an appeal	
1403	\$1,030.00	2403	\$515.00	Request for oral hearing	
1451	\$1,510.00	1451	\$1,510.00	Petition to institute a public use proceeding	
1452	\$510.00	2452	\$255.00	Petition to revive - unavoidable	
1453	\$1,540.00	2453	\$770.00	Petition to revive - unintentional	
1501	\$1,440.00	2501	\$720.00	Utility issue fee	
1502	\$820.00	2502	\$410.00	Design issue fee	
1503	\$1,130.00	2503	\$565.00	Plant issue fee	
1504	\$300.00	1504	\$300.00	Publication Fee for early, voluntary, or	

				normal Publication	
1460	\$130.00	1460	\$130.00	Petitions to the Commissioner	
1460	\$130.00	1460	\$130.00	Petitions to the Commisioner	
1807	\$50.00	1807	\$50.00	Processing fee for provisional applications	
1808	\$130.00	1808	\$130	Processing fee, except for provisional applications	
1806	\$180.00	1806	\$180.00	Submission of Information Disclosure Statement	
8021	\$40.00	8021	\$40.00	Recording each patent assignment per property (times number of properties)	
1809	\$810.00	2809	\$405.00	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	\$810.00	2810	\$405.00	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	\$810.00	2801	\$405.00	Request for Continued Examination (RCE)	
1802	\$900.00	1802	\$900.00	Request for expedited examination of a design application	
Other fee (specify):				Notice to Pay Balance of Issue Fee	\$20.00
*Reduced by Basic Filing Fee Paid				SUBTOTAL (6)	\$20.00



 Gregory S. Cooper
 Reg. No. 40,965

Date: December 10, 2007

FWDS01

(Rev. 04/06)

**BARNES & THORNBURG LLP**

600 One Summit Square
Fort Wayne, Indiana 46802
(260) 423-9440

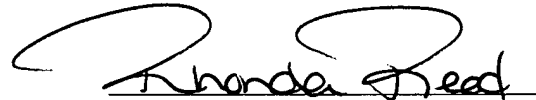
PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.: 10/656699
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Filing Date: September 4, 2003
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Examiner Name: Gay Spahn
Attorney Docket No.: 20794/82667
First Named Inventor: Graber, Loren R
Title: LANDSCAPING CHANNEL LINER APPARATUS

Certificate Under 37 CFR 1.8(a)

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on December 10, 2007


Rhonda S. Bailey-Reed

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

ENCLOSURES (check all that apply)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Information Disclosure Statement |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Certified Copy of Priority Document(s) |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> Response to Missing Parts/Incomplete Application |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |
| <input type="checkbox"/> Affidavits/declaration(s) | |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Drawing(s) |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Licensing-related Papers |

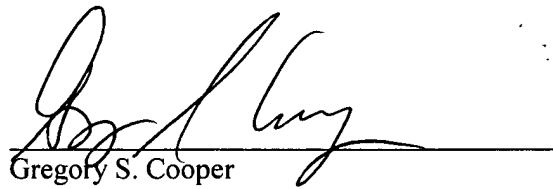
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance Communication to Group

- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

☒ **Other Enclosure(s)**
(please identify below):

- (a) Part B – Fee(s) Transmittal
- (b) Return Receipt Postcard
- (c) Communication Regarding Notice of Pay Balance of Issue Fee
- (d) Notice to Pay Balance of Issue Fee

Remarks:



Gregory S. Cooper
Reg. No. 40,965
(260) 423-9440

Date: December 10, 2007



BARNES & THORNBURG LLP

600 One Summit Square
For t Wayne, Indiana 46802
(260) 423-9440


PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 23641
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First Named Inventor: Graber, Loren R
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Certificate Under 37 CFR 1.8

I hereby certify that this correspondence
is being electronically filed with the
Commissioner for Patents

on: December 10, 2007


Rhonda S. Bailey-Reed

COMMUNICATION REGARDING NOTICE OF PAY BALANCE OF ISSUE FEE

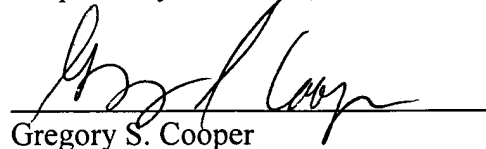
Attn: Mail Stop Issue Fee
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

On November 8, 2007 we received a Notice to Pay Balance of Issue Fee advising us that twenty additional dollars (\$20.00) was due as Issue Fee payment. The Assignee of the application sent the Commissioner of Patents and Trademarks a check for \$1000.00 on October 26, 2007, but did not submit the Part B – Fee(s) Transmittal. Accordingly, attached is a check

for the \$20.00 deficit for the Issue Fee Payment, the Part B – Fee(s) Transmittal form and Notice to Pay Balance of Issue Fee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory S. Cooper', is written over a horizontal line.

Gregory S. Cooper

Reg. No. 40,965

(260) 423-9440

GSC:rbr

Enclosures

FWDS01 RSK 226331_1.DOC